

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Tommie Graham and	:	Chapter 13
Hattie Graham	:	
Debtors	:	18-16594-mdc

**NOTICE OF APPLICATION FOR APPROVAL OF COUNSEL
FEE AND ITEMIZED STATEMENT OF SERVICES RENDERED**

NOTICE IS GIVEN:

1. That an application for approval of counsel fee and itemized statement of services rendered on behalf of the above-captioned Debtor has been filed by Lawrence J. Avallone, Esquire, AVALLONE LAW ASSOCIATES, 215 South Broad Street, Fifth Floor, Philadelphia, Pa. 19107-5318.
2. That counsel is requesting a fee and costs in the sum of \$6,333.50, of which \$3,958.50 are unpaid.
3. That the aforesaid motion is on file with the Clerk, United States Bankruptcy Court, U.S. Bankruptcy Court, 900 Market Street, Suite 400 Philadelphia, Pa. 19107 and is available there for inspection.
4. That any answer, objection, request for hearing or other responsive pleading to the motion must be filed with the Court and served on counsel at the address shown within fourteen (14) days of the date of this notice.
5. That in the absence of any answer or objection, the Court may grant the relief requested.

Dated: November 8, 2019

AVALLONE LAW ASSOCIATES

/s/ Lawrence J. Avallone

Signed:

By: Lawrence J. Avallone, Esquire
215 South Broad Street, Fifth Floor
Philadelphia, Pa. 19107-5318
Telephone (215) 735-5525
Facsimile (215) 545-3817
ljavallone@avallonelaw.com

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O R D E R

AND NOW, upon consideration of the Application for Compensation (“the Application”) filed by the Debtor’s counsel (“the Applicant”) and upon the Applicant’s certification that proper service has been made on all interested parties and upon the Applicant’s certification of no response,

It is hereby **ORDERED** that:

1. The Application is **GRANTED**.
2. Compensation is **ALLOWED** in favor of the Applicant in the amount of \$6,333.50.
3. The Chapter 13 Trustee is authorized to distribute to the Applicant as an administrative expense pursuant to 11 U.S.C. §1326(b), 11 U.S.C. §507, 11 U.S.C. §503(b) and 11 U.S.C. §330(a)(4)(B), the allowed compensation set forth in ¶2 less \$2,375.00, which was paid by the Debtor prepetition, to the extent such distribution is authorized under the terms of the confirmed chapter 13 plan.

BY THE COURT:

Judge Magdeline D. Coleman
United States Bankruptcy Judge

cc:
Office of the U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, Pa. 19107

William C. Miller, Esq.
Chapter 13 Standing Trustee
111 S. Independence Mall-Suite 583
Philadelphia, Pa. 19106

Tommie Graham
Hattie Graham
301 Bunker Hill Road
Harleysville, Pa. 19438

Lawrence J. Avallone, Esquire
AVALLONE LAW ASSOCIATES
215 South Broad Street, Fifth Floor
Philadelphia, Pa. 19107-5318

**IN THE UNITED STATES BANKRUPTCY COURT
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Debtors	:	18-16594-mdc

**APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES**

Lawrence J. Avallone, of AVALLONE LAW ASSOCIATES, applies under § 330 of the Bankruptcy Code for an award of compensation and reimbursement of actual, necessary expenses and represents as follows:

1. Applicant is counsel for the Debtors Tommie Graham and Hattie Graham (hereinafter sometimes referred to as “Debtors”).

2. All services rendered and expenses incurred for which compensation or reimbursement is requested were performed or incurred for or on behalf of the Debtors, the services and expenses were actual and necessary, and the compensation requested for those services is reasonable.

3. The Debtors paid applicant \$2,375.00 in attorney fees and costs prior to the filing of the petition.

4. Applicant requests an award of compensation and costs of \$6,333.50, of which \$3,958.50 are unpaid, for approximately 37.4 hours expended in providing the following services:

Prepare petition, Chapter 13 Plan and schedules, Amend Debtor’s Chapter 13 Plan multiple times, attend 341 hearing, negotiate payment of post-petition arrears with secured creditors, respond to trustee’s motion to dismiss, phone conference and email communication with client, Trustee, and opposing counsel.

A true and correct copy of applicant's itemized invoice is hereto as Exhibit "A".

5. Applicant has reduced his fees to reflect changes made to Debtor's Chapter 13 Plan.

6. None of the compensation paid to applicant will be shared with any person other than a member or regular associate of applicant's law firm.

WHEREFORE, applicant requests an award of \$6,333.50, of which \$3,958.50 are unpaid, in compensation.

Dated: November 8, 2019

AVALLONE LAW ASSOCIATES

/s/ Lawrence J. Avallone

Signed:

By:

Lawrence J. Avallone
215 South Broad Street, Fifth Floor
Philadelphia, Pa. 19107-5318
Telephone (215) 735-5525
Facsimile (215) 545-3817
ljavallone@avallonelaw.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Tommie Graham and	:	Chapter 13
Hattie Graham	:	
Debtors	:	18-16594-mdc

**CERTIFICATION OF SERVICE OF NOTICE OF
APPLICATION FOR APPROVAL OF COUNSEL FEE
AND ITEMIZED STATEMENT OF SERVICES RENDERED**

I, Lawrence J. Avallone, Attorney for the Debtor, do hereby certify under penalty of perjury that on the date indicated below I served a copy of the above-mentioned Application for Approval of Counsel Fee and Itemized Statement of Services Rendered electronically or by mail upon all entities listed below. I served a copy of the Notice of Application for Approval of Counsel fee and Itemized Statement of Services Rendered upon the matrix list of creditors by first class mail.

Office of the U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, Pa. 19107

Tommie Graham
Hattie Graham
301 Bunker Hill Road
Harleysville, Pa. 19438

William C. Miller, Esq.
Chapter 13 Standing Trustee
111 S. Independence Mall-Suite 583
Philadelphia, Pa. 19106

AVALLONE LAW ASSOCIATES

November 8, 2019

/s/ Lawrence J. Avallone

Date

**Lawrence J. Avallone
Attorney I.D. No. 33798
215 South Broad Street, Fifth Floor
Philadelphia, Pa. 19107
(215)-735-5525**

Exhibit A

Tommie Graham
301 Bunker Hill Rd.
Harleysville, PA 19438

November 8, 2019

In Reference To: Chapter 13 Bankruptcy

Professional Services

			<u>Hrs/Rate</u>	<u>Amount</u>
7/25/2018	DM	Organized file and reviewed assets and liabilities. Contacted prior counsel to obtain the file and determine what work was done on the case. Opened bankruptcy case and drafted petition. Email to client to set up.	1.00 \$200.00/hr	\$200.00
7/26/2018	AK	Run credit report on clients, call client for additional information.	0.20 \$70.00/hr	\$14.00
	DM	Phone call with client to obtain additional information for Chapter 13 Bankruptcy.	0.70 \$200.00/hr	\$140.00
7/27/2018	DM	E-mail to client with list of approved credit counseling courses. Follow up phone call to client.	0.20 \$200.00/hr	\$40.00
8/1/2018	DM	Review credit report for both debtors. Draft and revise petition and schedules.	1.30 \$200.00/hr	\$260.00
8/2/2018	LJA	Conference with DM re: completion of Schedules, filing petition for stay today.	0.10 \$295.00/hr	\$29.50
	DM	Draft petition and schedules. Review petition and schedules with LJA. Email and follow up phone call to opposing counsel in district court case. Email to district court to enter appearance on behalf of Hattie Graham.	2.00 \$200.00/hr	\$400.00
8/3/2018	LJA	Telephone conference and conference with DM re: status of Discover Card hearing	0.10 \$295.00/hr	\$29.50
8/7/2018	DM	Revise petition and schedules	0.30 \$200.00/hr	\$60.00
8/8/2018	DM	E-mail to client re: email received from creditor via prior counsel. Email to creditor re: stipulation agreement. Reviewed and revised petition and schedules.	0.30 \$200.00/hr	\$60.00
8/10/2018	DM	Phone call with client re: status of bankruptcy and sale of property	0.10 \$200.00/hr	\$20.00
8/17/2018	DM	Left voicemail for client re: bankruptcy petition.	0.10 \$200.00/hr	NO CHARGE

			<u>Hrs/Rate</u>	<u>Amount</u>
8/20/2018	DM	Phone call with client re: converting from chapter 7 to chapter 13. Convert bankruptcy information to chapter 13.	0.50 \$200.00/hr	\$100.00
8/22/2018	DM	Revised retainer letter for Chapter 13 Bankruptcy. Fax to client with list of creditors for confirmation that all creditors are included. Phone call with client.	0.50 \$200.00/hr	\$100.00
8/24/2018	DM	Phone call with client.	0.10 \$200.00/hr	\$20.00
8/30/2018	DM	Revise petition and schedules. Phone call with client re: IRA and expenses.	2.50 \$200.00/hr	\$500.00
	LJA	Conference with DM re: value of real estate, bankruptcy exemption, mortgage pay-off, preparation of petition	0.10 \$295.00/hr	\$29.50
8/31/2018	DM	Follow up with creditor re: notice of default	0.10 \$200.00/hr	\$20.00
9/4/2018	DM	Draft and revise chapter 13 plan and statement of monthly income	0.30 \$200.00/hr	\$60.00
9/5/2018	DM	Draft Chapter 13 Means Test and Chapter 13 Plan	0.50 \$200.00/hr	\$100.00
9/6/2018	DM	Brief research on chapter 13 plans. Finish drafting plan. Complete statement of affairs information.	1.10 \$200.00/hr	\$220.00
9/19/2018	DM	Review and revise exemptions	0.60 \$200.00/hr	\$120.00
	LJA	Conference with Dm re: completion of Tommy Graham bankruptcy petition	0.10 \$295.00/hr	\$29.50
10/2/2018	DM	Revise and prepare bankruptcy petition and schedules for filing. Phone call with client re: filing petition for bankruptcy. File bankruptcy action. Draft and email letter to court and opposing counsel in municipal court case	2.20 \$200.00/hr	\$440.00
10/5/2018	DM	Review bankruptcy docket. File creditor matrix, Statement about Social Security Numbers and Chapter 13 Plan	0.40 \$200.00/hr	\$80.00
10/10/2018	DM	Phone call with client re: tax returns and notice form court.	0.10 \$200.00/hr	NO CHARGE
11/6/2018	DM	E-mail to trustee's office to request continuance of 341 hearing	0.10 \$200.00/hr	\$20.00
11/9/2018	DM	E-mail to court clerk re: request for continuance of 341 Hearing.	0.10 \$200.00/hr	\$20.00
11/14/2018	DM	Phone call with client. Draft correspondence letter to client re: continued 341 Hearing date	0.10 \$200.00/hr	\$20.00
11/15/2018	DM	Phone call with client. Fax notice of mortgage payment change to client.	0.10 \$200.00/hr	\$20.00
12/19/2018	DM	E-mail to clerk for trustee re: request for continuance of confirmation hearing	0.10 \$200.00/hr	\$20.00

			<u>Hrs/Rate</u>	<u>Amount</u>
12/21/2018	DM	Phone call with client re: Trustee's motion to dismiss for failure to make plan payments.	0.10 \$200.00/hr	\$20.00
	LJA	Review all proofs of claim; conference with DM re: status of objections to chapter 13 plan.	0.30 \$295.00/hr	\$88.50
1/4/2019	DM	Follow up with trustee on payments received by the trustee. Draft, file and serve answer to motion to dismiss for failure to make plan payments.	0.50 \$200.00/hr	\$100.00
1/9/2019	DM	Phone call with client re: 341 hearing. Email correspondence with court clerk re: documents needed for 341 hearing.	0.20 \$200.00/hr	\$40.00
1/10/2019	DM	Prepare and submit documents for 341 hearing. Phone call with client re: submission of documents for 341 hearing.	1.00 \$200.00/hr	\$200.00
1/11/2019	DM	Submit documents for 341 hearing. Phone call to clerk for trustee re: documents received.	0.30 \$200.00/hr	\$60.00
1/13/2019	DM	Phone call with client re: identification needed for 341 hearing and location.	0.20 \$200.00/hr	\$40.00
1/14/2019	DM	Preparation and attendance at 341 hearing (Hearing continued as Mr. & Mrs. Graham did not bring social security cards).	1.00 \$200.00/hr	\$200.00
1/21/2019	DM	Phone call with creditors re: objection to plan. Review notice claims. Revise plan to specify that debtors intend to pay secured creditors according to the contract outside of the plan. Phone call with client on payment of escrow shortage requested by mortgage servicer. Brief review of motion to void judgment lien.	1.60 \$200.00/hr	\$320.00
1/23/2019	DM	Phone call with Attorney Kevin McDonald for Lakeview Loan Servicing. Email to trustee's office re: motion to dismiss and confirmation hearing. Phone call with client re: escrow shortage. Email correspondence with Attorney Kevin McDonald re: request for payment history and escrow breakdown.	0.50 \$200.00/hr	\$100.00
1/24/2019	DM	Phone call with client re: payment of escrow shortage.	0.10 \$200.00/hr	\$20.00
1/29/2019	DM	Phone call with client re: mortgage servicer.	0.10 \$200.00/hr	\$20.00
1/31/2019	DM	Phone call with client re: documents received from M&T Bank	0.10 \$200.00/hr	\$20.00
2/20/2019	DM	Phone call with client re: escrow shortage. Email to attorney for mortgage lender re: withdraw of objection to confirmation. Revise chapter 13 plan. Draft motion to avoid lien.	1.00 \$200.00/hr	\$200.00
2/21/2019	DM	E-mail to trustee re: 341 Hearing	0.10 \$200.00/hr	\$20.00
2/25/2019	DM	Prepare for 341 hearing: review petition, schedules, objections to confirmation and plan. Attend 341 Hearing.	1.00 \$200.00/hr	\$200.00
3/4/2019	DM	E-mail to attorney for mortgage servicer re: withdraw of objection to confirmation. Phone call with client re: sale of property while in chapter 13 bankruptcy.	0.20 \$200.00/hr	\$40.00

			<u>Hrs/Rate</u>	<u>Amount</u>
3/8/2019	DM	Phone call with client re: escrow shortage	0.10 \$200.00/hr	\$20.00
3/29/2019	DM	Review plan and assets to determine if plan passes best interest of the creditor's test.	0.50 \$200.00/hr	\$100.00
4/1/2019	DM	Review trustee's objection to confirmation. Review assets, exemptions, debt amount and best interest of the creditor test. Phone call with client re: plan. Phone call with real estate agent Brian Wilson re: CMA.	1.30 \$200.00/hr	\$260.00
4/3/2019	DM	E-mail correspondence with clerk for trustee re: objection to confirmation	0.10 \$200.00/hr	\$20.00
4/10/2019	DM	Phone call with client re: chapter 13 plan and pros and cons of dismissing bankruptcy.	0.20 \$200.00/hr	\$40.00
4/15/2019	DM	Review assets, secured debt, unsecured debt and equity in asset to calculate amount of non-exempt property for liquidation date. Review Chapter 13 plan.	0.50 \$200.00/hr	\$100.00
4/16/2019	LJA	Telephone conference with Tommie Graham re: amended chapter 13 plan; conference with DM re: chapter 13 plan.	0.10 \$295.00/hr	\$29.50
	DM	Review assets and amount of exposed equity. Brief revision of amended plan. File first amended plan.	0.50 \$200.00/hr	\$100.00
4/23/2019	DM	Phone call with court clerk re: amendments to chapter 13 plan.	0.50 \$200.00/hr	\$100.00
4/29/2019	DM	Brief revision of plan. Email to trustee's clerk re: revised plan payments and section 5b liquidation on plan.	0.30 \$200.00/hr	\$60.00
4/30/2019	DM	Phone call with clerk for trustee re: liquidation test.	0.20 \$200.00/hr	\$40.00
5/6/2019	DM	Brief revision to Chapter 13 plan. Check trustee's website to verify status of payments. File second amended Chapter 13 plan.	0.30 \$200.00/hr	\$60.00
5/14/2019	DM	File pre-confirmation certification.	0.10 \$200.00/hr	\$20.00
5/15/2019	DM	E-mail to trustee re: motion to dismiss and confirmation hearing. Phone call with client re: confirmation hearing.	0.20 \$200.00/hr	\$40.00
5/16/2019	DM	Phone call with client re: confirmation hearing continued	0.20 \$200.00/hr	NO CHARGE
8/9/2019	DM	Review assets, liabilities and schedule C exemptions.	0.70 \$200.00/hr	\$140.00
8/13/2019	DM	Review non-exempt assets. Correspondence with clerk for trustee. Research on motion to sell in chapter 13 bankruptcy.	0.40 \$200.00/hr	\$80.00
8/20/2019	DM	Phone call with client and LJA re: status of confirmation of chapter 13 plan.	0.50 \$200.00/hr	\$100.00
8/21/2019	DM	Phone call with client re: judgments or liens against 6929 Stenton Avenue. Review Pennsylvania and federal bankruptcy exemptions.	1.40 \$200.00/hr	\$280.00

			<u>Hrs/Rate</u>	<u>Amount</u>
8/21/2019	LJA	Telephone conference with Tommie Graham and DM re: feasibility of chapter 13 plan; review exemption statute, locate additional \$3,775 exemption; discussion re: increase monthly plan payments from \$750 to \$900, sale of vehicle, potential dismissal of case.	1.00 \$295.00/hr	\$295.00
8/28/2019	DM	Phone call with client re: payment of plan payment and status of case.	0.10 \$200.00/hr	\$20.00
9/9/2019	DM	Revise third amended , recalculate monthly plan payments.	0.70 \$200.00/hr	\$140.00
9/10/2019	LJA	Conference with DM and ER in re: amended chapter 13 plan. Review amended plan.	0.30 \$295.00/hr	\$88.50
	DM	Review amended plan. Email to clerk for trustee in re: amended plan.	0.30 \$200.00/hr	NO CHARGE
9/13/2019	DM	Final calculation of third amended plan. File third amended plan with the bankruptcy court.	0.40 \$200.00/hr	\$80.00
9/25/2019	DM	Phone call with trustee re: non-exempt assets. Draft fourth amended plan.	0.30 \$200.00/hr	\$60.00
9/26/2019	DM	Revise fourth amended plan. Review attorney history bill and give client various credits. Email to trustee with a copy of amended plan for review.	0.60 \$200.00/hr	NO CHARGE
9/27/2019	DM	Phone call with trustee's office re: disposable income and non-exempt property. Phone call with client re: revised plan and new payment amount.	0.30 \$200.00/hr	NO CHARGE
10/1/2019	DM	Revise fourth amended plan.	0.40 \$200.00/hr	NO CHARGE
10/2/2019	DM	Review revised plan. Email proposed plan to the trustee to determine if the trustee has any objections.	0.30 \$200.00/hr	\$60.00
10/9/2019	DM	File fourth amended plan.	0.10 \$200.00/hr	NO CHARGE
11/5/2019	DM	Brief review of local bankruptcy rules re: service of an amended plan. Draft and file certificate of service of fourth amended plan.	0.20 \$200.00/hr	NO CHARGE
11/6/2019	LJA	Conference with DM re: status of Chapter 13 bankruptcy confirmation/dismissal hearing scheduled for 11/07/19.	0.10 \$295.00/hr	NO CHARGE
11/7/2019	LJA	E-mail exchange with DM re: plan confirmation, fee application, fee disclosure form, amended chapter 13 plan.	0.10 \$295.00/hr	NO CHARGE

For professional services rendered**37.60****\$7,193.50**

Additional Charges :

			<u>Qty/Price</u>	
10/2/2018	AK	Filing of Petition	1 \$310.00	\$310.00

Total additional charges**\$310.00**

Accounts receivable transactions

11/8/2019 Courtesy Credit

(\$1,170.00)

	<u>Amount</u>
7/18/2018 Payment - Thank You	(\$2,375.00)
Total payments and adjustments	(\$3,545.00)